United Nations A/56/281

General Assembly

Distr.: General
9 August 2001

Original: English

Fifty-sixth session
Agenda item 131 (c) of the provisional agenda*
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Situation of human rights in Sierra Leone

Note by the Secretary-General**

The Secretary-General has the honour to transmit to the General Assembly the report of the United Nations High Commissioner for Human Rights on the human rights situation in Sierra Leone, pursuant to resolution 2001/20 of the Commission on Human Rights, as endorsed by the Economic and Social Council at its substantive session of 2001.

* A/56/150.

** In accordance with General Assembly resolution 55/222, part III, para. 10, the present report is being submitted on 9 August 2001 so as to include as much updated information as possible.

01-50728 (E) 200901

Report of the United Nations High Commissioner for Human Rights on the human rights situation in Sierra Leone

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I. Introduction

1. The human rights situation in Sierra Leone has been a matter of serious concern to the Commission on Human Rights and the United Nations High Commissioner for Human Rights. At its fifty-seventh session, the Commission on Human Rights adopted resolution 2001/20 of 20 April 2001 on the situation of human rights in Sierra Leone, in which it requested the High Commissioner inter alia to report to the General Assembly at its fifty-sixth session on the human rights situation in Sierra Leone and to report to the Commission at its fifty-eighth session, including with reference to reports from the United Nations Mission in Sierra Leone (UNAMSIL).

II. The human rights situation

A. Reports of the Secretary-General to the Security Council

2. Since the High Commissioner submitted her previous report, dated 8 August 2000, to the General Assembly at its fifty-fifth session,[1] the Secretary-General has submitted the following five reports to the Security Council: S/2000/832 dated 24 August 2000, S/2000/1055 dated 7 November 2000, S/2000/1199 dated 15 December 2000, S/2001/228 dated 14 March 2001 and S/2001/627 dated 25 June 2001. The Secretary-General also submitted a report to the Security Council, dated 23 May 2001, on the issue of refugees and internally displaced persons, pursuant to Council resolution 1346 (2001) of 30 March 2001 (S/2001/513 and Corr.1).

3. The High Commissioner notes that, since her reports to the General Assembly at its fifty-fifth session, and to the Commission on Human Rights at its fifty-seventh session, the overall situation in Sierra Leone has improved. The first half of 2001 witnessed some improvements in the internal security situation in the country. The Abuja (ceasefire) Agreement of 10 November 2000 (S/2000/1091, annex) entered into between the Government of Sierra Leone and the Revolutionary United Front (RUF) following the resumption of hostilities in May 2000, has been largely maintained and UNAMSIL has already successfully deployed in RUF-held areas such as Makeni, Magburaka and Lunsar in the Northern Province. The Agreement provided for a monitoring role for UNAMSIL, full liberty for the United Nations to deploy throughout the country, unimpeded movement of humanitarian workers, goods and people throughout the country, and a return of weapons and equipment seized by RUF. It also provided for the immediate resumption of the disarmament, demobilization and reintegration programme and a review mechanism. With the exception of some isolated infractions, the Ceasefire Agreement has been observed. A review meeting held in Abuja on 2 May 2001 led to an agreement that RUF and the Government-allied militia, the Civilian Defence Force (CDF) should disarm simultaneously. The disarmament, demobilization and reintegration programme was relaunched on 18 May 2001.

4. The relaunching of the programme had been facilitated largely by a decision of the joint committee on disarmament, demobilization and reintegration, comprising UNAMSIL, the Government of Sierra Leone and RUF, and which had been mandated to develop a timetable and modalities for the implementation of the disarmament, demobilization and reintegration programme. Following the resumption of the programme, the Civilian Defence Force and the Revolutionary United Front disarmed on schedule in the Kambia and Port Loko districts. From the beginning of the year until 25 July, 11,291 combatants, including 1,559 children, were registered in the programme by UNAMSIL. This figure includes 3,416 RUF and 5,489 CDF combatants. The Sierra Leone army deployed to the Kambia district at the end of May and is securing the border with Guinea. However, there had been occasional clashes between RUF and CDF forces in the Kono and Koinadugu districts. UNAMSIL peacekeepers have deployed into some RUF-held areas, including Kono, Magburaka and Makeni and steps are being taken to re-establish government authority and services in many parts of the country.

5. Progress in the implementation of the peace process has also enabled the Human Rights Section to reach hitherto inaccessible areas and to begin to monitor the human rights situation, conduct training sessions and discuss with RUF reconciliation processes in particular, the truth and reconciliation commission.

6. Since the adoption of resolution 2001/20 by the Commission on Human Rights, the Secretary-General has submitted his tenth report on UNAMSIL, dated 25 June 2001 (S/2001/627), as well as his report to the

Security Council on the issue of refugees and internally displaced persons (S/2001/513 and Corr.1). As with previous periodical reports, a section of the tenth report was devoted to human rights issues. In that report, the Secretary-General noted, inter alia, that in spite of recent progress, the situation of internally displaced persons and returnees in Sierra Leone continued to be a major cause of concern. Until recently, armed groups had committed serious breaches of international humanitarian law against the civilian population, including rape and the wanton destruction of property. UNAMSIL and human rights non-governmental organizations had documented some violations committed in the Kambia district, allegedly by armed forces from Guinea. There had also been reports of aerial attacks on villages causing large-scale devastation with several civilian casualties.

B. Refugees and internally displaced persons

7. As observed by the Secretary-General in his report (S/2001/513 and Corr.1), the refugee and internally displaced persons crisis in and around Sierra Leone is one of the most serious human rights, humanitarian and political crises facing the international community today. In total, there are over 1 million refugees, internally displaced persons and other war-affected victims in Guinea, Liberia and Sierra Leone. According to information provided by the Office for the Coordination of Humanitarian Affairs, as at July 2001, some 123,403 internally displaced persons resided in camps and, as such, required continuous humanitarian assistance. Progress in the implementation of the peace process appears to have reduced the number of new cases, but the challenge of assisting old cases remains real. Information obtained from internally displaced persons and returnees indicates that, until recently, the Guinean army and armed groups have committed grave breaches of international humanitarian law against the civilian population. Those violations allegedly occurred between November 2000 and April 2001, while Guinean forces were in pursuit of RUF combatants who had carried out operations in Guinea. UNAMSIL and human rights non-governmental organizations documented some violations committed in the Kambia district. There were also reports of villages being attacked from the air and by Guinean ground forces, causing wide-scale devastation. There had also been reports of rape of women and incineration of houses. Fighting in the Kambia district caused thousands of civilians to flee south to the Lungi Peninsular and the Freetown area. Those attacks, combined with the prolonged absence of relief agencies from the area, appear to have left Kambia in a dire humanitarian situation. However, the situation is now being alleviated with the deployment of Sierra Leone Army troops and United Nations peacekeepers, disarmament of combatants and the restoration of Government authority, including the return of the Sierra Leone Police Force to the area.

8. The situation of refugees and internally displaced persons is complicated by the unrest on the Sierra Leonean border with Liberia and Guinea, especially the ongoing conflict in northern Liberia. Several thousand of the civilian victims, including Sierra Leonean refugees caught up in the conflict in the Parrots Beak area, where the borders of the three countries meet in southern Guinea, have continued to return spontaneously to an uncertain future in Sierra Leone. Recent statistics from the Office of the United Nations High Commissioner for Refugees (UNHCR) indicate that a total of 70,060 Sierra Leoneans have returned to Sierra Leone since September 2000, when the conflict at the Guinea border started. Of these, 54,567 are registered with UNHCR, which continues to provide humanitarian assistance to some 16,249 returnees housed within the six camps in the country, namely: Waterloo, Jui, Lumpa, Juebe, Bandajuma and Gerihun. The camps, with a total capacity of 16,900, are working well within recognized humanitarian standards. The escalation of fighting in Lofa County, northern Liberia, between Liberian forces and insurgents is generating new refugees and more returnees to eastern Sierra Leone. Already the National Commission for Rehabilitation, Resettlement and Reconstruction has warned that, while the situation in the eastern part of the country does not yet qualify as an emergency, it could deteriorate into one if the different needs of these various groups are not adequately addressed.

9. During their incursions into Guinea, RUF abducted a number of Guinean nationals and brought them back to Sierra Leone where they were used as forced labourers. The women and girls were forcibly taken as "wives" by their captors or used for sexual services. A group of 23 Guineans who had escaped RUF custody were repatriated by UNHCR on 12 May.

Following the intervention of UNAMSIL and UNHCR, another 24 Guineans were released in early June. UNHCR estimates that well over 80 Guinean nationals are still being kept by RUF in Buedu in Kono. These numbers were obtained from Guineans who went to UNHCR for assistance after escaping from their captors. It is difficult, however, to ascertain the exact number of Guinean abductees that are still being held by RUF.

10. The past three months had witnessed the continued displacement of the population, especially in the eastern region as sporadic incidents of hostilities continued. With the expanding disarmament process and greater access to RUF-held areas, some clarity appears to be emerging on the situation of internally displaced persons. UNHCR and the Office for the Coordination of Humanitarian Affairs estimate that approximately 3,000 internally displaced persons have taken refuge in the eastern town of Koidu in the Kono district from neighbouring areas. They had been living there without humanitarian assistance and had mainly survived by scavenging and whatever little support the host community offered them. They had sheltered in two unroofed disused school buildings. Such situations appear to be commonplace in hitherto inaccessible areas visited by UNHCR and the Office for the Coordination of Humanitarian Affairs. Many of the concerned internally displaced persons expressed their willingness to return to their areas of origin once their security was guaranteed.

11. The deployment of UNAMSIL and the Sierra Leone Army in hitherto inaccessible areas of the country, especially Kambia, and the restoration of Government authority, is having and will continue to have a dramatic effect on the situation of internally displaced persons. According to informed estimates, attacks by the Guinean army in May led to the displacement of approximately 30,000 people from Kambia. The deployment of UNAMSIL and the Sierra Leone Army to the area appears to be bringing about the necessary stability to encourage the displaced population to return home. By the same token, the recent deployment of UNAMSIL troops in Makeni and Magburaka, as well as the disarmament in Kambia and Port Loko districts, has created a new, positive dynamic in the situation of the internally displaced persons and returnees. Some internally displaced persons have begun to return to their homes as a result. Similar patterns can also be observed in Kono and Kailahun.

12. Meanwhile, humanitarian agencies continue to work with the Government of Sierra Leone to stockpile reserves in order to ensure that there are enough supplies when internally displaced persons return. As at the beginning of June, Office for the Coordination of Humanitarian Affairs statistics show that a total of 40,498 people have been settled in safe areas. Another 4,543 persons were resettled as at the beginning of July, with assistance from the International Organization for Migration. The resettlement areas are broadly categorized as the western area, the south and the east. Facilities being provided range from education, health care, water and sanitation, food and non-food items, sustainable development projects and assistance to the host communities. Assistance is continually being provided by both international and national agencies.

13. One main concern is the correct and effective implementation of the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2). Whilst all humanitarian organizations are in principle to work in accordance with the basic minimum standards, awareness of the Guiding Principles is limited. A recommendation made was that the UNAMSIL Human Rights Section could act as coordinator of a regular forum, whereby organizations would be given the opportunity to receive regular training on the Guiding Principles and to follow up on the realization of these standards through continuous appraisals within the same forum. The issue of receiving assistance from the Representative of the Secretary-General on internally displaced persons is being pursued, with a view to developing specific human rights programmes in this field. With the large numbers of displaced persons in camps in the country and with the increasing number of persons being resettled, the need for a coordinated effort between the work of humanitarian organizations and human rights organizations will become increasingly important. With regard to the issue of resettlement, particular emphasis should be placed on the need for training and coordination with the government agencies that would deal with the resettled displaced persons within the new communities.

C. Children and armed conflict

14. The situation of children in the decade-long armed conflict in Sierra Leone has continuously been a matter of serious concern. Children have suffered a wide range of physical, mental and sexual abuses by all parties to the conflict, including separation, displacement, abductions, forced recruitment and rape. Children have also been forced or encouraged to commit violations. In January 1999 alone, over 4,000 children were abducted during the incursion of the Revolutionary United Front and the Armed Forces Revolutionary Council into Freetown. Informed estimates suggest that 60 per cent of the abducted children were girls, most of whom have been sexually abused. Thousands of children have been serving as soldiers in the three main fighting groups, RUF, Armed Forces Revolutionary Council/ex-Sierra Leone Army and CDF. Among the displaced population are some 10,000 children who have been separated from their parents. Several thousand children have been orphaned.

15. With the recent progress in the peace process, RUF and CDF have agreed to release all child combatants and abductees. Since the beginning of 2001, more than 1,200 children have been registered by UNAMSIL for demobilization. In May and June 2001, RUF handed over more than 800 children to UNAMSIL in Makeni, Port Loko, Kambia, Kailahun and Tongo. More than 350 children associated with CDF have been registered for demobilization.

16. While the release of child combatants and abductees by the fighting forces is welcome, it remains a matter of concern that relatively few women and girls have so far been released. According to child protection agencies, girl abductees are not only used as combatants, but are often forced into sexual services or taken as "wives", which increases the resistance of the fighting forces to release them. In other cases, girl children who have been associated with fighting forces, fearing the reaction of their families and communities, may be reluctant to join demobilization and reintegration programmes.

17. UNAMSIL works in collaboration with the United Nations Children's Fund and child protection agencies in the process of release, disarmament, demobilization, rehabilitation and reintegration of child combatants and separated children who surrender or are released to UNAMSIL by RUF and CDF and who are subsequently handed over to such child protection agencies. The children are then transferred to an Interim Care Centre where child protection agencies provide them with rehabilitative care, ranging from counselling, education and skills training orientation, peace and civic education, medical and psychological assessment and treatment, to mediation with families and communities to facilitate their return home. From the Interim Care Centre, the children are reintegrated into their communities through reunification with their families or foster parents. In cases where reunification or fostering is not possible, children are sent to individual or group homes, where they live under the supervision and care of child protection agencies.

D. Violence against women

18. Thousands of the women and girls of Sierra Leone have been victims of human rights abuses and grave breaches of international humanitarian law, including killing, amputation, forced displacement, forced recruitment and the looting and destruction of their property. They have been subjected to gender-specific abuses, including rape, forced marriages and situations comparable to sexual slavery. Because these gender-specific violations appear to have been under-reported, there are insufficient programmes to address the particular needs of female victims. A graphic portrayal of the extent of violence against women in the context of the Sierra Leone conflict is depicted by the outcome of field research conducted in 2000 under a project co-funded by UNAMSIL and an international non-governmental organization to establish the prevalence and impact of sexual violence. During the research, 733 randomly selected women, of whom 143, or 19.5 per cent, were girls aged between 6 and 17 years were interviewed. A total of 534, or 72.9 per cent, of the interviewees reported having experienced human rights abuses; 383, or 52.3 per cent, said they had been subjected to sexual violence; 345, or 47.1 per cent, reported having been raped; and 192 or 26.1 per cent reported having been gang raped. Slightly less than half of the interviewees (306, or 41.7 per cent), reported having been abducted by the various factions and 25, or 3.4 per cent, said that they had been forced to marry their abductor.[2]

19. The Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, requested an invitation from the Government to visit Sierra Leone from 22 to 31 August

2001. In its resolution 2001/20, the Commission on Human Rights called upon the Government to respond positively to the request of the Special Rapporteur. Recently, the Government has extended the requested invitation. During her visit, the Special Rapporteur proposes to focus her research and inquiry on violence against women during the armed conflict.

E. Extrajudicial, summary or arbitrary executions

20. Attacks against the civilian population and systematic killings and summary executions have been a part of the pattern of egregious violations of human rights and international humanitarian law perpetrated by different factions in the protracted armed conflict in Sierra Leone. The primary purpose of these acts of violence has been to spread terror among the civilian population. The conflict and ongoing military operations, including by regular armies of the neighbouring countries has hampered any in-depth investigation of these abuses and violations. Although recent progress in the peace process has opened up areas hitherto inaccessible to human rights monitors, large areas of Sierra Leone, mostly under RUF control, remain inaccessible.

21. In June 2001, UNAMSIL received information about wanton attacks against the civilian population allegedly by CDF in villages located in Kono and Koinadugu Districts, as well as allegations of summary executions by RUF in Koidu town. Investigations conducted by the UNAMSIL Human Rights Section, including witness accounts obtained by the Section, as well as photographs of wounded persons admitted in the African Islamic Hospital in Makeni, suggest that, on 17 June 2001, Yaraiya village, in Koinadugu District, was attacked by CDF armed men. Analysis of the information provided by the same sources suggests that at least 24 civilians, including 18 women and 2 children, were killed in the attacks, and 15 others wounded. The same sources alleged that the assailants burned at least 66 houses in the village and looted properties.

22. On 27 July 2001, two UNAMSIL human rights officers joined the UNAMSIL Force Commander on a fact-finding mission to Henekuma village in Koinadugu District and were able to gather evidence of serious violations of human rights and grave breaches of international humanitarian law in that location. Interviews with wounded persons and CDF combatants on the same day in Koidu, Henekuma and Yaraiya respectively, provided preliminary information that suggested that there had been widespread attacks and counter-attacks by RUF and CDF, and vice versa, in several villages in Northern Kono and Koinadugu Districts. At the time of the visit of the UNAMSIL fact-finding team, Henekuma village was under the control of CDF forces. The latter and villagers informed the team that RUF combatants had attacked Henekuma on 19 July 2001, killing at least 19 people, abducting 5 young girls and burning at least 25 houses. No burials had been carried out since the incidents and the team was thus able to count 10 bodies, presumably of 5 children, 4 women and 1 adult male: five decomposing bodies, which appeared to be of a man, two women and two children, were on the veranda of one burnt house; the skeletal remains of two other victims, presumably children, were behind and in front of two burnt houses, respectively; and the bodies of three other victims, presumed to be two women and one child, were lying in the nearby bush. The team also found some bullet cases at the site of the incident.

F. Persons detained under the state of emergency

23. The prolonged detention of persons in Freetown Central Prison, some of whom have been in custody without charge or access to legal counsel and information since May 2000, is a matter of continuing human rights concern. According to the records of the prison, a total of 233 persons are still detained in Freetown Central Prison pursuant to the Public Emergency Regulation, 1999 (Public Notice No. 3 of 1999). A basic precondition for legal detention under the emergency powers is immediate publication in the *Official Gazette* of the names of persons affected by such a declaration. Since May 2000, however, only one such list, containing the names of 121 persons, has been published. It thus appears that several people were detained pursuant to the Public Emergency Regulation, but their names not published.

24. An understanding between UNAMSIL and the authorities had allowed the Human Rights Section restricted access (i.e. if accompanied by a prison official) to the penitentiary in Freetown. However, this was disallowed in the aftermath of a riot in Freetown Central Prison on 14 March 2001, as a result of which,

some detainees were moved to safer, undisclosed locations within Sierra Leone. They were subsequently returned to the Central Prison on or about 13 June 2001. Following the intervention of the Special Representative of the Secretary-General in Sierra Leone, prison visits by UNAMSIL human rights officers were restored with effect from 7 June and without restrictions. Since that date, human rights officers have conducted visits, including private interviews with detainees. While UNAMSIL has been assured unlimited access to all accessible prisons and detention centres nationwide, the Government has been unwilling to disclose the whereabouts of some high profile detainees who were imprisoned under the state of emergency.

25. The meetings of the joint committee on disarmament, demobilization and reintegration have provided a forum for the resolution of issues relating to those detained under the Public Emergency Regulation as a result of the events of May 2000. For instance, during such meetings on 15 May and 2 June, respectively, RUF requested the authorities to release its members who had been detained since the events of May 2000 as a confidence-building measure. It also expressed some concerns regarding the death while in detention of some of its members. During the meeting in May, the authorities affirmed that they would consider the request to release some detainees and, on 2 June, announced that the Government had established a high-level committee to consider the release of some RUF detainees. Four days later, on 6 July 2001, the President of the Republic of Sierra Leone authorized the release the following day of 34 detainees who had been incarcerated under the emergency powers. According to the information delivered to UNAMSIL, only 33 prisoners were in fact released, because one person's name had been duplicated.

26. After the news of the death of RUF members in Freetown Central Prison was first announced on 15 May 2001, the Government, after initial hesitancy and denials, confirmed that 10 detainees, including 8 RUF members, had died in prison between May 2000 and May 2001. The Government attributed its initial guarded response to a lapse of prison authorities, who had failed to report the deaths to the appropriate quarters. Subsequent investigations by UNAMSIL indicated that at least six RUF members had died in Freetown Central Prison between March 2001 and June 2001. Since the news of deaths in Freetown Central Prison first became public, several other detainees have passed away, the latest being Solomon Y. B. Rogers, a founding member of RUF, on 21 July 2001. According to prison officials, all the deaths have been due to natural causes, although detainees claim that poor medical treatment and less than adequate nourishment are also to blame. RUF affirms that at least 15 of its members have died in Freetown Central Prison since May 2000, 11 of them since March 2001, and has raised concerns about the causes of certain deaths.

III. Human rights activities of the United Nations in Sierra Leone

A. The United Nations Mission in Sierra Leone and its Human Rights Section

27. The United Nations Mission in Sierra Leone (UNAMSIL) was established pursuant to Security Council resolution 1270 (1999) of 26 October 1999. With military and civilian components, including a Human Rights Section, UNAMSIL has a multidisciplinary mandate to cooperate with the Government of Sierra Leone and other parties in the implementation of the Lomé Peace Agreement and to assist in the disarming, demobilization and reintegration of ex-combatants. The Security Council, in its resolution 1289 (2000) of 7 February 2000, made strong references to the continued need to foster accountability and respect for human rights in Sierra Leone. In order to meet these challenges, UNAMSIL has a Human Rights Section with an authorized strength of 20 staff (recently increased from 14), including 2 United Nations Volunteers. The human rights mandate of the Mission includes monitoring, training, capacity-building, technical cooperation and advocacy. In addition, the Section has taken on the additional responsibility of assisting with the establishment of the truth and reconciliation commission. In order to implement its mandate effectively, OHCHR assisted the Human Rights Section to design specialist positions in the areas of national institutions, rule of law, training, child rights and gender.

28. The relationship between OHCHR and UNAMSIL emanates from the memorandum of understanding between OHCHR and the Department of Peacekeeping Operations. This relationship is further strengthened by the terms of the Sierra Leone Human

Rights Manifesto adopted in June 1999 during the visit of the High Commissioner (see E/CN.4/2000/31, para. 26). The memorandum of understanding recognizes that respect for human rights is fundamental to the promotion of peace and security, and that a unified United Nations approach to these ends is essential to the fulfilment of these two Charter-mandated objectives. It thus seeks to place the promotion and protection of human rights at the centre of United Nations efforts to prevent conflicts, maintain peace and assist in post-conflict reconstruction. UNAMSIL has provided a context for the practical implementation of the memorandum of understanding between OHCHR and the Department of Peacekeeping Operations. OHCHR notes with satisfaction that progress has been made in the integration of human rights and the Human Rights Section in the work and operations of UNAMSIL. The Human Rights Section is included in the mainstream activities of the Mission and has also undertaken, with the acceptance of the Special Representative of the Secretary-General, additional responsibilities in support of specific activities of OHCHR in Sierra Leone. For instance, the Human Rights Section participates in the tripartite meetings with the Government and RUF. The Chief of the Human Rights Section also participates in the tri-weekly meetings of senior staff chaired by the Special Representative of the Secretary-General. Representatives of the Section also take part in the policy and planning group, as well as the weekly videoconference with New York and the project approval committee.

29. The human rights mandate of UNAMSIL has been adapted to the complex situation in Sierra Leone. It focuses on four main areas: monitoring, reporting, training and capacity-building, with special reference to the establishment and the reinforcement of national institutions — the Ombudsman and the national human rights commission — and the protection of women's rights and the rights of the child. In addition to these tasks, UNAMSIL in cooperation with OHCHR plays a pivotal role in facilitating the establishment of the truth and reconciliation commission provided for in the Lomé Peace Agreement and Sierra Leonean domestic legislation.

30. Under the general guidance of OHCHR headquarters, the Human Rights Section plays an important role in identifying human rights issues relevant to the extended humanitarian community and the United Nations agencies in Sierra Leone. This has been exemplified in the adoption of the Code of Conduct for Humanitarian Workers in Sierra Leone. The Code of Conduct was developed through a broad-based consultative process involving the United Nations system, its agencies and international non-governmental organizations. The Code of Conduct, inter alia, calls upon all humanitarian assistance agencies operating in Sierra Leone to observe agreed principles of international human rights and humanitarian law, including the right to unlimited access for the provision of humanitarian assistance. The Code further stipulates that all humanitarian operations will be designed to advance human rights, with special attention given to the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. Following the elaboration of the Code of Conduct, and in recognition of its important human rights components, OHCHR has developed and will be implementing before the end of the year a training programme on human rights for the extended humanitarian community in Sierra Leone. The programme will also develop generic training materials for use in complex emergency situations.

31. The Human Rights Section has recently disseminated information and documents on the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, held in New York from 9 to 20 July 2001, and on the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to be held in Durban, South Africa from 31 August to 7 September 2001. It also facilitated the registration of local non-governmental organizations to the latter event.

32. The Section, in collaboration with the United Nations agencies, and local and international non-governmental organizations, established a Sierra Leone human rights committee, which meets fortnightly and provides a forum for consultations, exchange of ideas, information and promotion between human rights and humanitarian actors. To promote local capacity, the Section works alongside national human rights non-governmental organizations, including the umbrella organization of the local human rights community, the National Forum for Human Rights, on joint projects, such as providing training programmes and much needed assistance to local non-governmental organizations and the wider civil society. Recent

examples of such cooperation include joint training sessions in the camps of the National Committee for Disarmament, Demobilization and Reintegration in Lunsar as part of the "Pre-discharge Orientation Programme", and the inclusion of the Network for Collaborative Peace-Building in truth and reconciliation commission sensitization in Port Loko child combatants' centres. The Fourah Bay Human Rights Clinic, a newly established body, has also participated in investigation and reporting workshops with the UNAMSIL Human Rights Section.

B. Activities in the field

33. With improvements in the overall security situation and relaunching of the disarmament, demobilization and reintegration programme, the Human Rights Section is working to increase its presence in the field and has begun to establish satellite offices in provincial locations. The Section has already opened a regional office and has widened its activities through providing human rights clinics in hitherto inaccessible areas. On 2 May 2001, UNAMSIL opened its first regional office in Kenema, Eastern Region. The regional office will implement a full range of human rights activities, including training, monitoring and reporting, as well as raising public awareness of human rights and international humanitarian law. The opening of additional regional presences will be calibrated with increases in the authorized staff strength of the Section. In order to meet the increasing human rights needs of Sierra Leoneans in hitherto inaccessible areas under RUF control, the Section has widened activities to areas such as Bailor Wharf, Barbara, Konakrydee, Makeni, Magburaka, Lunsar, Koidu, Kambia and Buedu. Activities in those areas are wide-ranging and include human rights assessment missions, documentation of violations and abuses of human rights and humanitarian law, as well as training and sensitization on the truth and reconciliation commission. These visits have targeted specific groups such as internally displaced persons and returnees from Guinea and Liberia, who are mostly housed in returnee camps.

C. Training

34. The human rights training programme is broadly divided into three areas: ongoing technical support for national bodies such as the Sierra Leone Army and the Sierra Leone Police Force, training for national non-governmental organizations active in the field of human rights and in-house human rights training for peacekeepers. The Human Rights Section is working with the International Military Assistance and Training Team to raise human rights awareness within their Military Reintegration Programme for ex-combatants, that will be screened for eventual absorption by the Sierra Leone Army as well as regular training for the new Sierra Leone Army. To standardize police training and adapt it to the Sierra Leone environment, the Section has finalized arrangements with the UNAMSIL Civilian Police to produce a training manual for the police, internal human rights awareness training for incoming UNAMSIL peacekeepers and military observers occurs on a regular basis and the Section provided training on human rights and humanitarian law for the Pakistani Brigade in Pakistan prior to its deployment to UNAMSIL. The training also included a training of trainers programme for 35 officers.

35. A new major area for training is based on the changing conditions on the ground. With the acceleration of the disarmament process, the UNAMSIL Human Rights Section has become involved in the National Committee for disarmament, demobilization and reintegration Pre-discharge Orientation programme for ex-combatants in demobilization centres. Training sessions for these groups focus on basic human rights awareness and information concerning the truth and reconciliation commission. Human rights training for ex-combatants has also been provided in Freetown. Future projects include training of trainers for national networks of ex-combatants, as well as planning for community-based reconciliation awareness to facilitate peace-building efforts.

D. Capacity-building and advocacy

36. Sierra Leone has a dual judicial system, where the formal statutory law and the judiciary coexist with customary law and the traditional courts. The deterioration of the Sierra Leonean judicial system as a whole started long before the armed conflict and continued during the past decade. The principal trends included lack of independence, objectivity and impartiality, anachronistic laws and practices, insufficient personnel, inappropriate structures, poor

logistics and inadequate training and remuneration. In the whole country, there are only 21 judges, who comprise the Supreme Court of Sierra Leone, the Court of Appeals and the High Court of Justice, none of which ever sit out of the capital, Freetown. As a result, there is an almost total vacuum of the judicial system in the countryside. One priority is the reform of the juvenile justice system and the general harmonization of the laws of Sierra Leone with international human rights law and standards on human rights in the administration of justice.

37. The armed conflict has had a disastrous impact on the local courts that apply customary law. UNAMSIL is assisting the restoration of those bodies, which no doubt have an important role to play in post-conflict Sierra Leone. Consultations in some chiefdoms have confirmed that the people respect the local courts as a system of dispute resolution in the dual system of Sierra Leone. There is also widespread concern about arbitrariness and inequitability in court practices. UNAMSIL has been active in addressing these concerns through its rule of law programme, which is aimed at providing training in international human rights standards regarding the judicial guarantees of the fair trial and due process of law.

38. From 26 to 28 February 2001, the UNAMSIL Human Rights Section facilitated a consultative conference on the rule of law. The conference was attended by among others, representatives of the Government of Sierra Leone and civil society, members of the bar and bench, the military, and the police. Twelve papers, each tackling the issue of the breakdown of the rule of law from a different perspective, were presented at the conference, which adopted a wide set of resolutions, among which were the codification of customary law and recommendations in the area of juvenile justice. In the latter case, the participants resolved that urgent steps should be taken by the Government to enact into domestic law the provisions of the Convention on the Rights of the Child, taking into consideration a legislative proposal prepared by the Sierra Leone Bar Association with the support of UNICEF. The UNAMSIL Human Rights Section is preparing materials presented during the workshop for publication before the end of 2001.

39. The UNAMSIL Human Rights Section has been instrumental in the establishment of The Lawyers Centre for Legal Assistance, the first legal assistance project of its kind in Sierra Leone. The Centre will render free legal services to the poor and the needy on all matters bordering on human rights abuses. In consultation with the Civil Affairs Section of UNAMSIL, the Human Rights Section is considering ways of strengthening the capacity of customary law courts. The Human Rights Section, in collaboration with the Ministry of Justice, the Bar Association and representatives of civil society, conducted an assessment of its facility and resource needs, following which, the Section developed a project to support the judiciary. The project for which funding is sought under the consolidated inter-agency appeals process aims to strengthen legal education and access to legal information, as well as reinforce the policy and adjudication capacities of the judiciary. The Human Rights Section has also established contacts with the Chief Justice to explore avenues by which UNAMSIL may assist Sierra Leone in strengthening the judicial system, especially in the field of human rights in the administration of criminal justice, including juvenile justice.

E. Establishment of the truth and reconciliation commission and the independent special court

40. OHCHR assisted the Government from late 1999 until early 2000 in the drafting process that culminated in the adoption by the Sierra Leone Parliament in February 2000 of the Truth and Reconciliation Commission Act 2000. Subsequently, OHCHR designed a substantial project to support the preparatory phase of the commission. The implementation of this project was interrupted with the resumption of hostilities in May 2000. In November 2000, OHCHR and UNAMSIL co-hosted a workshop on the commission, which reinvigorated the preparatory process. Following that workshop and further reassessment of the operational conditions, OHCHR, in consultation with UNAMSIL, revised and updated its project of support to the establishment of the truth and reconciliation commission. The revised project includes the following:

(a) Public information/education campaign;

(b) Mapping of the conflict, that is, compilation of information regarding key defining events within the

period of temporal jurisdiction of the truth and reconciliation commission;

(c) Researching the traditional methods of conflict resolution and reconciliation among the different cultural groups in Sierra Leone;

(d) Selection of commissioners;

(e) Preliminary identification of the facility requirement of the commission, for instance, the form of secretariat required including staffing and logistic requirements;

(f) Statutory three months preparatory period for the truth and reconciliation commission, which starts two weeks after the inauguration of the commission and during which the commission will plan its operational procedures, set up offices, recruit and hire staff, etc.;

(g) A round table on the relationship between the truth and reconciliation commission and the independent special court, in order to ensure that they complement each other with mutual respect for their different but related mandates.

41. In accordance with the updated project, the Special Representative of the Secretary-General in Sierra Leone and the High Commissioner for Human Rights have agreed on a detailed programme of activities leading up to the establishment of the truth and reconciliation commission which is foreseen in October 2001. This agreement also includes a cooperative arrangement for the establishment of the commission, in which the UNAMSIL Human Rights Section will be supported by and will represent OHCHR on the ground for this purpose. The High Commissioner and the Special Representative of the Secretary-General have also appointed focal points in Geneva and UNAMSIL, respectively, to ensure the efficient implementation of the exercise.

42. Thus far, the following activities have been implemented pursuant to the technical cooperation project. A national non-governmental organization, Manifesto '99, has been commissioned to research the traditional methods of reconciliation which could be integrated into the truth and reconciliation process. OHCHR has concluded a grant agreement with the International Human Rights Law Group to design, coordinate and facilitate a comprehensive public information campaign for the Sierra Leone truth and reconciliation commission. The campaign should be implemented in cooperation with the National Forum for Human Rights and its truth and reconciliation commission Working Group, the media and UNAMSIL. The High Commissioner has already identified the candidates that she considers suitable for the three international posts on the commission, and is presently ascertaining their availability. The Special Representative of the Secretary-General, as Selection Coordinator, has received over 60 nominations for the four national commissioner positions in the commission. The extensive publicity given to the nomination process within Sierra Leone has also helped to increase public awareness about the truth and reconciliation commission.

43. Preparations for the practical establishment of the truth and reconciliation commission were given impetus by a seminar on operational and managerial aspects of the Sierra Leone truth and reconciliation commission held in Freetown from 29 May to 1 June 2001, and attended by representatives of the Government and the local diplomatic community, civil society organizations and the UNAMSIL leadership. Approximately 40 representatives of non-governmental organizations directly involved in the truth and reconciliation and disarmament, demobilization and reintegration processes took part in the seminar, which explored the methodologies that the commission may use to establish the truth and to address impunity. It discussed the organizational structure and budget of the commission, and reviewed the issues concerning the relationship between it and the independent special court. The seminar provided a sound platform for concrete discussions on the practical aspects of the establishment of the commission, and its recommendations would provide guidelines for the next steps to be taken towards that end.

44. As recommended by the national seminar on the truth and reconciliation commission organized in November 2000 by OHCHR, in collaboration with UNAMSIL and the National Forum for Human Rights, a technical meeting of experts was hosted by UNICEF in Freetown from 4 to 6 June 2001. The aim was to define the framework for participation and protection of children in the truth and reconciliation commission process. National and international experts who participated in the meeting explored the extent to which children had been affected by the armed conflict in Sierra Leone and the role of the truth and reconciliation commission for children. While girls and

boys have been subjected to identical violations, such as abductions, amputations and torture, many gender-based violations have been carried out specifically against the girl child. Among other things, the experts recommended that the truth and reconciliation commission's work on children be guided by child rights and protection principles enshrined in international instruments. The experts also recommended that protection of children be assured throughout the truth and reconciliation commission process, including ensuring confidentiality and anonymity in the process, and allowing the children to participate voluntarily. The technical meeting emphasized the need for collaboration with child protection agencies working in Sierra Leone to ensure that the truth and reconciliation commission builds upon ongoing processes of reintegration and reconciliation. The wide publicity enjoyed by the seminar also helped to increase awareness of the truth and reconciliation process among Sierra Leoneans.

45. As preparations for the establishment of the truth and reconciliation commission enters its decisive phase, OHCHR underlines the importance of international support in providing the resources required for the successful implementation of its undertaking to support, on behalf of the United Nations, the establishment of a truth and reconciliation commission for Sierra Leone. A target date of October 2001 has already been established for the appointment of the commissioners. Under this planning, the commission is expected to commence operations in January 2002. The achievement of the target dates depends on a number of factors, including continuing progress in the peace process, cooperation of all the parties to the conflict, availability of sufficient funding and the necessary logistical support.

46. In order to cope with the implementation of activities leading up to the establishment of the truth and reconciliation commission, OHCHR is considering a project to provide funding for an interim secretariat for the commission. The interim secretariat, to be made up of international and national staff, will eventually succeed the UNAMSIL Human Rights Section and assume full responsibility for organizing and managing the preparatory phase of the truth and reconciliation commission. At present, the UNAMSIL Human Rights Section is conducting the preparatory activities on the ground for the establishment of the commission, despite limited staffing resources. With the progressive expansion of UNAMSIL into hitherto inaccessible areas under the control of the Revolutionary United Front, the Section is further overburdened with a variety of other responsibilities. Thus, handing over its truth and reconciliation commission-related responsibilities at this time would enable the Human Rights Section to dedicate more attention to the implementation of the human rights mandate of UNAMSIL.

47. OHCHR has already commenced preliminary discussions with interested Member States regarding the funding of the truth and reconciliation commission. It is currently estimated that the commission would require US$ 8 million for one year. OHCHR will soon be sending out a request for pledges in support of this worthy cause. In this regard, I appeal to Member States for their generous support.

48. Considerable effort is being made to ensure Sierra Leonean ownership of the truth and reconciliation process and to include in it traditional structures and methods. In this regard, UNAMSIL is working closely with civil society in raising public awareness about the commission and its role in building sustainable peace and addressing impunity. There is a high degree of support for the truth and reconciliation commission among those Sierra Leoneans who are aware of the institution. The truth and reconciliation commission Working Group of the National Forum for Human Rights is undertaking programmes to inform and educate the community about the commission. The Working Group also publishes a monthly "Truth Bulletin" on the preparations for the commission and is sending some of its members to Guatemala, South Africa and Zimbabwe to study previous experiences of truth and reconciliation processes. UNAMSIL works in partnership with non-governmental organizations, runs workshops and produces leaflets, radio programmes, T-shirts, caps and banners to publicize the commission. In the coming months, this public information campaign will be intensified, so that as broad a range of Sierra Leoneans as possible are made aware of the truth and reconciliation commission and can make an informed choice about participation.

49. Since women and girls constitute the vast majority of victims of the armed conflict, a deliberate effort is being made to ensure that they participate actively in the truth and reconciliation process. To this end, a Women's Task Force has been established within the Sierra Leone human rights community and has

written to the High Commissioner for Human Rights, the Special Representative of the Secretary-General in Sierra Leone and others, calling for strong representation of women in the truth and reconciliation commission.

50. Discussions with the RUF leadership on the truth and reconciliation commission resumed in the margins of the above-mentioned operational and managerial seminar and are continuing. On 24 July, the UNAMSIL Human Rights Section met with the RUF leadership in Makeni. The Front indicated support for the commission and acknowledged that it is a party to it by virtue of the Lomé Peace Agreement. It expressed interest in the mechanisms of the commission, including the nomination and selection process for the commissioners, in which RUF has a statutory role to play. It also expressed its interest in the relationship of the truth and reconciliation commission to the independent special court and requested further information as to how the two institutions can operate in a complementary manner. As part of the ongoing public information campaign on the truth and reconciliation commission, workshops on it will be held for RUF and for civilians living in RUF-held areas, beginning in Makeni on 2 August 2001.

51. With respect to the independent special court, OHCHR has been liaising with the Office of Legal Affairs of the Secretariat to ensure appropriate synchronization and collaboration in the preparations for the establishment of the court and the truth and reconciliation commission. OHCHR looks forward to organizing a round table to discuss the relationship between both institutions in order to ensure that, once established, they may fulfil their responsibilities in a symbiotic manner, yet respecting their related but varied mandates. The importance of the round table for the proper functioning of both institutions was reiterated recently during the operational and management workshop on the Sierra Leone truth and reconciliation commission, held from 29 May to 1 June 2001, and in my discussions with President Kabbah during the Summit of the Organization of African Unity held in Lusaka in July 2001.

52. In order to assist the process of establishing the court in Sierra Leone, pursuant to a request from New York, UNAMSIL has established a Liaison Group for the Independent Special Court. The Group is composed of five sections, namely: Human Rights, Policy and Planning, Civil Affairs, Logistics and Security, with the Human Rights Section assigned a coordinating role.

F. Establishment of a national human rights commission

53. OHCHR has been assisting with the establishment of a national human rights commission as required under the Lomé Peace Agreement. In order to facilitate this process, a national institutions specialist was deployed within the UNAMSIL Human Rights Section to provide technical support during the establishment phase of the commission. In December 2000, a consultative workshop was held on the establishment of a national human rights commission. Supported by OHCHR and organized by UNAMSIL, in collaboration with the National Forum for Human Rights, the workshop was attended by members of the Sierra Leone judiciary, the Ombudsman, representatives of civil society, including human rights non-governmental organizations and heads of the National Human Rights Commission in Uganda and Ghana. It provided the occasion for the Attorney General and Minister of Justice of Sierra Leone to present a draft bill to establish a national human rights commission. Following discussions and recommendations, a working group was established to finalize the technical commentaries on the draft bill. The group has met on several occasions and has completed a commentary on the draft bill. This will be sent to OHCHR for its comments before being presented to the Government which, after receiving this feedback, is expected to pass the necessary legislation. The next step will be to raise the necessary funds for the establishment of the new institution.

IV. Conclusions

54. After a period of difficulty, the beginning of 2001 witnessed a significant momentum in the implementation of the peace process in Sierra Leone. The Abuja Ceasefire Agreement of 10 November has been largely observed and UNAMSIL has already deployed in RUF-held areas in northern Sierra Leone. The disarmament, demobilization and reintegration programme has also been relaunched and there are indications, albeit muffled, from RUF of a willingness to engage politically. These developments are no doubt related to the considerable United Nations engagement

exemplified by the establishment of the largest United Nations peacekeeping mission to facilitate the peace process. It is crucial that the United Nations continues to play the central role it has assumed in the Sierra Leone peace process. OHCHR will continue to play its role in addressing the human rights needs of the people of Sierra Leone through its collaboration with UNAMSIL. This commitment has become all the more important in order to sustain the progress that has been gained in the implementation of the peace process. In this regard, OHCHR will continue to implement its comprehensive programme of assistance to Sierra Leone with the following elements: technical assistance for the establishment of a truth and reconciliation commission and a national Human Rights Commission; building capacity through training for law enforcement authorities and support for local civil society groups. OHCHR continues to count on the support of the international community as it expedites the implementation of its human rights mandate to complement progress in the Sierra Leone peace process.

Notes

[1] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 36* (A/55/36).

[2] "The invisible human rights abuses in Sierra Leone. Conflict-related rape, sexual slavery and other forms of sexual violence" by Fatmata Binta Mansaray, June 2001. The author was a consultant funded by UNAMSIL and Isis-Wicce, an international non-governmental organization based in Kampala, Uganda. The findings in the report also serve to complement the ongoing joint UNAMSIL/Physicians for Human Rights data-gathering project on conflict-related sexual violence. Under the project, approximately 1,200 displaced women were interviewed at random and asked set questions on their war-related experiences, with a focus on sexual violence. The aim of the project is to establish the prevalence and impact of sexual violence. The full report of the project will be published later in 2001.